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June 10, 2022

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The Honorable Michael A. Hammer, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Jr. Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101-0999

Re: WORDAP 6.1-001
Word Ape, LLC d/b/a/ ChomChom Roller v.
Ontel Products Corporation and Ling Fun Trading, Ltd.
Civil Action No. 21-14431

Dear Magistrate Judge Hammer:

We represent the Plaintiff Word Ape, LLC d/b/a/ ChomChom Roller (herein after “Word Ape”) in the above-referenced action. We are writing with the consent of counsel for Defendants Ontel Products Corporation (hereinafter “Ontel”) and Ling Fun Trading, Ltd. (hereinafter “Ling Fun”) (collectively “Defendants”) to request that Word Ape be removed as Plaintiff in this action and be replaced by Cheddar Creations, Inc. (hereinafter “Cheddar Creations”).

At the outset of the present litigation, Word Ape was the exclusive licensee of the asserted patent U.S. Patent No. 8,117,706 (“the ’706 Patent”), with the right to enforce the ’706 Patent in court and recover damages for infringement of any of its claims. Word Ape has since assigned all of its rights (including the right to enforce and recover damages) in the ’706 Patent to Cheddar Creations in an Asset Purchase Agreement between these two parties, dated December 16, 2021. As Word Ape no longer has any right, title, or interest in the asserted patent, we ask that Cheddar Creations be substituted for Word Ape as Plaintiff in this action pursuant to Fed. R. Civ. P. 25(c).



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The requested substitution will not alter the substantive rights of the parties nor impact future deadlines or the schedule in this case. Further, replacement of Word Ape with Cheddar Creations will not prejudice Defendants in any way. Rather, as noted above, Defendants have consented to the requested substitution.

Accordingly, the parties respectfully request that Cheddar Creations replace Word Ape as Plaintiff in this action.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
Attorneys for Plaintiff Word Ape, LLC
d/b/a ChomChom Roller

By: s/ Kendall K. Gurule
Kendall K. Gurule

KKG/pk:dmf

cc: Counsel of Record (via ECF)

SO ORDERED:

Dated: _____
Newark, New Jersey

Michael A. Hammer, U.S.M.J.